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(H.E.)  
(H.E.)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Hans Josef Stauss

Serial No.: 09/101,413

Art Unit: 1644

Filed: August 7, 1998

Examiner: G. Ewoldt

For: "IMMUNOTHERAPY USING CYTOTOXIC T LYMPHOCYTES"

BOX AF  
Assistant Commissioner for Patents  
Washington, D.C. 20231

## AMENDMENT AND RESPONSE TO OFFICE ACTION

Sir:

Responsive to the Office Action mailed on December 11, 2001, the interview on April 11, 2002, and the Notice of Non-Compliant Amendment mailed August 9, 2002, please amend the application as follows. This amendment was being filed with an extension of time for three months time, up to and including June 11, 2002, and authorization to charge the fee for a large entity to Deposit Account No. 50-1868. The Notice of Non-Compliant Amendment provides for a response date of September 8, 2002. It is believed that no additional fee is required with this submission. However, should an additional fee be required, the Commissioner is hereby authorized to charge the fee to Deposit Account No. 50-1868.

Response to Notice of Non-Compliant Amendment

Claim 1 has been amended to note that the phrase on line 1, "with a disease" has been deleted.

U.S.S.N. 09/101,413

Filed: August 7, 1998

## AMENDMENT AND RESPONSE TO OFFICE ACTION

However, claim 1 should have been amended five times upon entry of this amendment:

In the preliminary amendment filed with the application

In the amendment mailed July 19, 2000

In the amendment mailed March 28, 2001, entered upon filing a continuing prosecution application on June 12, 2001

In the amendment mailed September 28, 2001

In the amendment mailed March 11, 2002, to be entered upon filing of the continuing prosecution application May 30, 2002, replaced by this amendment

In the Claims

1. (Five times amended) A method of killing cells in a patient [with a disease characterized by expression by the patient of an abnormal antigen or an abnormally elevated amount of a antigen as compared to the non-diseased state, or by expression of an infectious agent protein], the method comprising

administering to the patient a therapeutically effective amount of cytotoxic T lymphocytes (CTL),

wherein the CTLs have a different HLA class I complex (or equivalent) than the cells to be killed, and

the CTLs specifically recognize a peptide portion on the cells to be killed of [the] (a) an abnormal antigen or (b) antigen which is abnormally elevated in the patient [patients with the disease] or (c) [the] an infectious agent protein antigen, when the peptide is presented by the

AUG.16'2002 10:54

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**MESSAGE:**

Applicant: Hans Josef Stauss

Serial No.: 09/101,413

Art Unit: 1644

Filed: August 7, 1998

Examiner: G. Ewoldt

For: "IMMUNOTHERAPY USING CYTOTOXIC T LYMPHOCYTES"

ATL1 #511177 v1

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<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/101,413
	Filing Date	August 7, 1998
	First Named Inventor	Hans Josef Stauss
	Group Art Unit	1644
	Examiner Name	G. Ewoldt
Total Number of Pages In This Submission	Attorney Docket Number	RPMS 102

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm or Individual name	Patrea L. Pabst, Reg. No. 31,284	Holland & Knight LLP
Signature	Suite 2000, One Atlantic Center; 1201 West Peachtree Street, N.E.; Atlanta, GA 30309-3400	
Date	August 16, 2002	

CERTIFICATE OF MAILING		
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**FEE TRANSMITTAL**  
**for FY 2002**

Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) -0-

**Complete if Known**

Application Number	09/101,413
Filing Date	August 7, 1998
First Named Inventor	Hans Josef Stauss
Examiner Name	G. Ewoldt
Group Art Unit	1644
Attorney Docket No.	RPMS 102

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**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
101 740	201 370	Utility filing fee	
108 330	206 165	Design filing fee	
107 510	207 255	Plant filing fee	
108 740	208 370	Reissue filing fee	
114 180	214 80	Provisional filing fee	

SUBTOTAL (1) (\$)

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims	Extra Claims	Fee from below	Fee Paid
18	20	0	0
1	3	0	0

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
103 18	203 9	Claims in excess of 20	
102 84	202 42	Independent claims in excess of 3	
104 280	204 140	Multiple dependent claim, if not paid	
109 84	209 42	** Reissue independent claims over original patent	
110 18	210 9	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$) -0-

\*\*or number previously paid, if greater; For Reissues, 50% above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
106 130	205 65	Surcharge - late filing fee or oath	
127 60	227 25	Surcharge - late provisional filing fee or cover sheet	
138 130	139 130	Non-English specification	
147 2,620	147 2,620	For filing a request for ex parte reexamination	
112 920*	112 920*	Requesting publication of SIR prior to Examiner action	
113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action	
115 110	215 65	Extension for reply within first month	
116 400	216 200	Extension for reply within second month	
117 920	217 460	Extension for reply within third month	
118 1,440	218 720	Extension for reply within fourth month	
128 1,960	228 980	Extension for reply within fifth month	
119 320	219 160	Notice of Appeal	
120 320	220 160	Filing a brief in support of an appeal	
121 280	221 140	Request for oral hearing	
138 1,510	138 1,510	Petition to institute a public use proceeding	
140 110	240 55	Petition to revive - unavoidable	
141 1,280	241 640	Petition to revive - unintentional	
142 1,280	242 640	Utility issue fee (or reissue)	
143 460	243 230	Design issue fee	
144 620	244 310	Plant issue fee	
122 130	122 130	Petitions to the Commissioner	
123 50	123 50	Processing fee under 37 CFR 1.17(a)	
128 180	128 180	Submission of Information Disclosure Stmt	
581 40	581 40	Recording each patent assignment per property (times number of properties)	
148 740	248 370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149 740	249 370	For each additional invention to be examined (37 CFR § 1.129(b))	
178 740	278 370	Request for Continued Examination (RCE)	
169 800	169 800	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

**SUBMITTED BY**

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Registration No.  
(Attorney/Agent)

31,284

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AMENDMENT AND RESPONSE TO OFFICE ACTION

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RPMS 102  
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